

#12
2/7/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
CASELLAS, et al.

Serial No.: 09/831,720

Filed: May 14, 2001

Group Art Unit: 1651

Examiner: Kailash C. Srivastava

For: USE OF A SUBSTANCE BINDING
WITH THE PERIPHERAL
BENZODIAZEPIN RECEPTOR FOR
TREATING SKIN STRESS

Commissioner for Patents
Washington, D.C. 20231

CERTIFICATE UNDER 37 C.F.R. 1.8(a)

I hereby certify that this correspondence is
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Geraldine D. Shei
January 23, 2003

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TECH CENTER 1600/2900

Dear Sir:

RESPONSE

This is responsive to the Office Action mailed September 27, 2002, setting a one-month period for response expiring October 27, 2002. The period for response is extended three months to expire January 27, 2003, pursuant to the Petition for Extension of Time under 37 C.F.R. 1.136(a) submitted herewith. This response is therefore timely filed.

Claims 16-41 are in the application. Restriction is required under 35 U.S.C. § 121 and 372 as follows:

Group I: consisting of claims 1-38 [*sic*, 16-38], drawn to first product and its method of use, which is a topical composition to treat cutaneous stress and a method to treat a cutaneous stress (e.g., skin wrinkles) with a topical application of said composition.

Group II: consisting of claims 1-39, drawn to a second product consisting of *Nocardia* species and its productive mutants..

Group III: consisting of claim 40, drawn to a third product consisting of *Streptomyces* species and its productive mutants.

Group IV: consisting of claim 41, drawn to a fourth product consisting of
Actinosynnema species and its productive mutants.

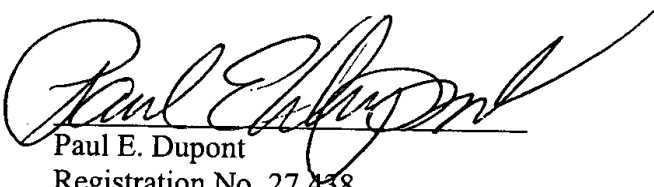
Consistent with the election previously made in response to the restriction requirement in the Office Action mailed July 25, 2001 (Paper No. 4), Applicants again elect the Examiner's Group I, claims 16-38.

Election of a species among: a) a synthetic substance, b) a natural extraction substance, and c) a substance obtained by fermentation, is also required. Applicants hereby elect c, a substance obtained by fermentation, which is read on by claims 16, 17, 19-27, 29-36, and 38

With the foregoing election, this application is believed in condition for action on the merits.

Respectfully submitted,

Dated: 1-23-03


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